

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Elijah Silver**

**Docket No. 4:06-CR-57-1D**

**Petition for Action on Supervised Release**

COMES NOW Timothy L. Gupton, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Elijah Silver, who, upon an earlier plea of guilty to Distribution of More Than 5 Grams of Cocaine Base (Crack), was sentenced by the Honorable James C. Dever III, Chief U.S. District Judge, on June 5, 2007, to the custody of the Bureau of Prisons for a term of 138 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

Elijah Silver was released from custody on July 15, 2016, at which time the term of supervised release commenced. On August 30, 2016, a Petition for Action was filed by the court instructing the Clerk's Office to schedule a hearing to address a proposed modification of supervision related to a sex offender assessment. On October 3, 2016, the hearing was held, and the court ordered the defendant to submit to a psycho-sexual evaluation by a qualified mental health professional.

Additionally, on February 8, 2017, a Violation Report was filed advising the defendant was charged with Driving While License Revoked in Nash County, North Carolina. Based on the timely reporting of the charge and his previous compliance with supervision, the violation was held in abeyance.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS  
FOLLOWS:**

On June 12, 2017, the defendant completed a sex offender assessment at The Counseling and Psychotherapy Center, Inc. in Raleigh, North Carolina. Recommendations from the assessment included short-term (approximately four to six months) individual sessions aimed at increasing prosocial behavior and targeting his dynamic risk factors, a sexual history polygraph to rule out any additional offending and any other areas of sexual deviance, and participation in a counseling or cognitive behavioral therapy program. On July 13, 2017, this probation officer presented the defendant with a Waiver of Hearing form to sign, by which he would agree to these proposed modifications of supervision. Silver declined to sign the Waiver, and instead, requested a hearing before the court.

**PRAYING THAT THE COURT WILL ORDER** that a hearing be scheduled to address this issue with the court. At the hearing, the probation office will recommend that the terms and conditions of supervision be modified to include participation in sex offender treatment, a cognitive behavioral program, and polygraph examinations.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Michael C. Brittain  
Michael C. Brittain  
Supervising U.S. Probation Officer

/s/ Timothy L. Gupton  
Timothy L. Gupton  
U.S. Probation Officer  
310 New Bern Avenue, Room 610  
Raleigh, NC 27601-1441  
Phone: 919-861-8686  
Executed On: July 31, 2017

#### ORDER OF THE COURT

Considered and ordered this 1 day of August, 2017. The Clerk's Office shall  
schedule a hearing before this court to address a possible modification of supervision.

James C. Dever III  
James C. Dever III  
Chief U.S. District Judge